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REMARKS

This paper is responsive to the Office Action dated August 5, 2004. All rejections and objections of the Examiner are respectfully traversed. Reconsideration of all claims and withdrawal of all rejections are respectfully requested.

The Examiner has withdrawn the previous Final Rejection, and issued a new, non-Final Rejection. Applicants wish to respectfully thank the Examiner for providing a further opportunity for clarification regarding the patentability of the presently claimed invention over the prior art.

At paragraph 2 of the Office Action, the Examiner rejected claims 1-4, 9-20, 25-37, 39, 41, 45 and 47-50 as being obvious under 35 U.S.C. 103, citing U.S. patent 6,546,419 of Humpleman et al. ("Humpleman et al."), in combination with "HP Intros mgmt. apps for router nets" ("HP"), and United States patent number 6,757,720 of Weschler, Jr. ("Weschler"). Applicants respectfully traverse this rejection.

The relevant disclosures of the Humpleman et al. reference have been identified and analyzed in previous responses. In summary, Humpleman et al. disclose a system that obtains *device capability* information in a structured format, such as an XML document, and compares the capabilities of the two devices responsive to a user interface displayed on the client device. In a separate step, Humpleman et al. sends control and command data from the client device to the home devices to cause the home devices to perform requested services. With regard to performing the requested services, Humpleman et al. describe the control and command data as being provided using XML Remote Procedure Calls (RPCs). Humpleman et al. relates to controlling devices inter-connected in a home network, such as home entertainment components,

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kitchen appliances, security devices, HVAC components, etc., and to services described as "source or sink services" including MPEG sourcing/sinking and display services, such as Video-on-Demand, Enhanced-TV, and Internet commerce.

HP discloses the possibility of having a Network Configuration Manager application and a Traffic Monitor application configuring router networks and performing traffic analysis to pinpoint faults in a network. In the HP disclosure, "configuration files" of an unspecified type and format are used to provide configuration information from a central file server through manual uploading to a management station, and then downloaded to routers.

Weschler discloses managing profile data structures comprising hierarchical structures of attributes. The Weschler mechanism includes a core profile service engine having a number of predefined built-in functions. In the embodiment of Fig. 3 in Weschler, a core profile engine is accessed by a client application through a profile services application programming interface (API) that implements one or more protocol adapters. Client applications having a corresponding interface to one of protocol adapters send and receive messages through the API to the Weschler core profile engine, enabling the client application to send data and commands to request profile services from a core profile engine. As shown in Fig. 2, the profile services referred to in Weschler relate to accessing external data stores, shown more specifically as specific types of databases in Fig. 3.

Applicants maintain that nowhere in the combination of Humpleman et al., HP and Weschler, is there disclosed any system or method for controlling a data forwarding service in a network in a data forwarding device, including:

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receiving at the network device *a document written in accordance with a markup language* and a corresponding document definition, *wherein the document describes the data forwarding service*;

parsing by the network device the received document in accordance with the corresponding document definition, *wherein the parsing determines at least one parameter describing the data forwarding service*; and

executing the data forwarding service on the network device *in accordance with the parsed document*. (emphasis added)

as in the present independent claim 1. Analogous features are present in the independent claims 17, 33 and 48. The service capabilities described using XML or the like in Humbleman et al., are different in kind from data forwarding services controlled by parsing of XML documents by the present invention, as set forth in the present independent claims 1, 17, 33 and 48. In addition, the home network devices as described in Humbleman et al. stand in clear contrast to the data forwarding devices of the present invention as set forth in the independent claims 1, 17, 33 and 48. These differences apparently resulted in the Examiner previously withdrawing a previous anticipation rejection under 35 U.S.C. 102 based only on Humbleman et al. However, in paragraph 6 of the present Office Action, the Examiner asserts a) that Applicants' "primary invention" is the control of any network device using XML, b) that Humbleman et al. teaches an XML control system for controlling network devices, and c) this relationship between the teachings of Humbleman et al. and the "primary invention" forms a basis for the present obviousness type rejection based on the combination of Humbleman et al., Weschler and HP. Applicants respectfully urge that this analysis runs counter to the established legal requirements of patentability.

It is a fundamental principle of patent law that the patented invention is defined by the claims. Limitations cannot be read into the claims from the specification. See, e.g., *Intervet Am., Inc. v. Kee-Vet Labs., Inc.*, 887 F.2d 1050, 1053, 12 USPQ2d 1474, 1476 (Fed. Cir. 1989)

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("[T]his court has consistently adhered to the proposition that courts cannot alter what the patentee has chosen to claim as his invention, that limitations appearing in the specification will not be read into claims, and that interpreting what is meant by a word in a claim 'is not to be confused with adding an extraneous limitation appearing in the specification, which is improper.'") (quoting E.I. duPont de Nemours & Co. v. Phillips Petroleum Co. 849 F.2d 1430, 1433, 7 USPQ2d 1129, 1131 (Fed. Cir. 1988)). In spite of this, the Examiner asserts the relevance of portions of the Applicants' specification, as evidence of some "primary invention" that apparently supercedes or augments the language of the claims. Applicants must strongly object to such an approach, since it looks towards a "focus" within the description of the preferred embodiments in the Specification, and fails to properly consider the specific features and language of the claims. If the standard for patentability allowed comparison of any embodiment in the Specification against the prior art, then the metes and bounds of the legal protection afforded by a patent would logically be defined by the contents of the *entire Specification*. This is, as indicated by the above cited case law, definitely *not* the case: Applicants accordingly respectfully urge that the Examiner must consider the plain language of the independent claims 1, 17, 33 and 48, which refers to controlling *a data forwarding service* within *a data forwarding device*, using a document written in accordance with a markup language and a corresponding document definition, wherein the document describes *the data forwarding service*, wherein the parsing of the received document in accordance with the document definition determines at least one parameter describing *the data forwarding service*, and wherein executing *the data forwarding service* on the network device is performed *in accordance with the parsed document*.

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The combined references include no hint or suggestion of controlling a data forwarding service in a data forwarding device by *parsing a received document in accordance with a corresponding document definition, wherein the parsing determines at least one parameter describing a data forwarding service*, as in claims 1, 17, 33 and 48. As discussed above, the types of devices and services described in Humpleman et al. are in clear contradistinction to those of the present independent claims. HP discloses only the possibility of moving router configuration information in configuration files, without any discussion of the specific format or processing of such configuration files upon receipt. Weschler is concerned with accessing profile services relating to databases. With regard to the contents of the profile services databases, Weschler states only that the system described therein is "best used when it stores and retrieves data that is frequently searched and retrieved, but infrequently changed". See column 5, lines 53-55. Thus the XML documents in Weschler are embedded in HTTP data packets for transport through routers etc. that understand HTTP. There is no hint or suggestion in Weschler that any networking device discussed therein processes the embedded XML documents in the HTTP data packets for any purpose relating to data forwarding.

For the above reasons, Applicants respectfully urge that the combination of Humpleman et al., HP and Weschler does not disclose or suggest all the features of the present invention as set forth in the independent claims 1, 17, 33 and 48. Accordingly, the combination of Humpleman et al., HP and Weschler does not form a *prima facie* case of obviousness under 35 U.S.C. with regard to independent claims 1, 17, 33 and 48. As to claims 2-4, 9-16, 18-20, 25-32, 34-37, 39, 41-45, 47 and 49-50, they each depend from claims 1, 17, 33 and 48, and are believed to be patentable over the combination of Humpleman et al., HP and Weschler for at least the same reasons.

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In paragraphs 3-5 of the Office Action, the Examiner rejected claims 5-8, 21-24, 38, 40, 44 and 46 for obviousness under 35 U.S.C. 103, again citing Humbleman et al., HP and Weschler, in combinations with U.S. Patent Publication No. 2002/0032709 of Gessner ("Gessner"), "Dynamic Classification in Silicon-based Forwarding Engine Environments" ("Jaeger"), and United States patent number 5,951,649 of Dobbins ("Dobbins"). Like the combination of Humbleman et al., HP and Weschler, these cited combinations of references fail to disclose or suggest any system or method for causing *a data forwarding device* to locally perform *a data forwarding service* that by:

*receiving at the network device a document written in accordance with a markup language and a corresponding document definition, wherein the document describes the data forwarding service;*

*parsing by the network device the received document in accordance with the corresponding document definition, wherein the parsing determines at least one parameter describing the data forwarding service; and*

*executing the data forwarding service on the network device in accordance with the parsed document* (emphasis added).

as in the present independent claims 1, 17 and 33. The cited combinations of references include no hint or suggestion of any step or feature that includes *parsing by a data forwarding device a received document in accordance with a corresponding document definition, wherein the parsing determines at least one parameter describing a data forwarding service*, as in claims 1, 17 and 33. Accordingly, Applicants respectfully urge that the cited combinations of references cited in paragraphs 3-5 of the Office Action do not disclose or suggest all the features of the present invention as set forth in the independent claims 1, 17 and 33. Accordingly, these cited combinations do not form the basis of a *prima facie* case of obviousness with regard to independent claims 1, 17 and 33. As claims 5-8, 21-24, 38, 40, 44 and 46 each depend from claims 1, 17 and 33, they are respectfully believed to be patentable over the cited combinations

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with Humbleman et al. for at least the same reasons. Reconsideration of all pending claims is respectfully requested.

For these reasons, and in view of the amendments to the claims herein, Applicants respectfully urge that the present claims are allowable over the prior art of record, and respectfully request that the Examiner's rejections be withdrawn. This application is now considered to be in condition for allowance and such action is earnestly solicited.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone David A. Dagg, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date

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